

# Kinship by Arrangement: The Case of Adoption

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The family has been characterized as “the one form of association that flourished in Byzantium.”<sup>1</sup> Indeed, one is constantly reminded of its central importance in Byzantine society by the extensive use of the language of kin to designate non-kin, those friends, sons of friends, pupils, imperial subjects, and foreign rulers who were addressed as “brother,” “nephew,” or “son,” in letters, documents, or speech.<sup>2</sup> One can also observe the widespread use of kin terms within the church to designate confessor and confessant, superior and monk or nun.<sup>3</sup> Even more telling is the evidence provided by those who cut ties with this world and left behind family, who had to renounce “children, parents, and simply every blood relation,” yet who nevertheless sought out just those relationships, contracting ritual forms of kinship by sponsoring children at baptism and by adopting brothers or sons.<sup>4</sup>

But if the overwhelming significance of the family as an institution is assured, less is known about

the ways in which kinship functioned. Questions such as “What use was made of kin?” and “What was the nature of claims which could be exercised and of obligations undertaken?” have barely been asked. Some work has been done on matrimonial strategies, but we need to know more about strategies in choosing fictive and ritual kin and about solidarities within families, about relations between parents and children.

A study of adoptive ties of kinship can provide some answers. Although these ties are easily forgotten or overlooked, not least because they are not obtrusive, they are some of the most eloquent sources for the nature of kinship ties. It is perhaps precisely because adoptive ties were voluntary, formed by arrangement or choice and not imposed, that the meaning of the relationships for the parties involved emerges more clearly from the sources.

Social scientists have pointed the way to a study of kinship which examines adoption (fictive kinship), baptismal sponsorship, and *adelphopoia* (ritual kinship) together as examples of pseudo-kinship,<sup>5</sup> in contrast to consanguineal or affinal kinship. But the student of kinship in Byzantium finds this approach suggested by the sources themselves, although the terminology—“fictive,” “artificial,” “pseudo”—is alien to the texts. In treatises on marriage prohibitions, all three are classified as kinship by “arrangement” (*συγγένεια . . . θέσει*), as opposed to “nature” (*φύσει*).<sup>6</sup> All three were

<sup>1</sup> A. P. Kazhdan (with G. Constable), *People and Power in Byzantium* (Washington, D.C., 1982), 32; A. Kazhdan, “Small Social Groupings (Microstructures) in Byzantine Society,” *JÖB* 32.2 (1982), 3–11.

<sup>2</sup> See the discussion in M. E. Mullett, “Byzantium: A Friendly Society?” *Past and Present* 118 (1988), 7 and notes 20–22; F. Dölger, *Byzanz und die europäische Staatenwelt* (Ettal, 1953; repr. Darmstadt, 1964), 183–96; idem, “Johannes VI. Kantakuzenos als dynastischer Legitimist,” *AnnInstKond* 10 (1938), 19–29, esp. 21–25, notes 12 and 18. Cf. J. Shepard, “When Greek Meets Greek: Alexius Comnenus and Bohemond in 1097–98,” *BMGS* 12 (1988), 185–277, esp. 214.

<sup>3</sup> V. Christophorides, ‘Η πνευματική πατρότης κατά Συμεὼν τὸν Νέον Θεολόγον (Thessalonike, 1977), 23–39.

<sup>4</sup> For prohibitions against forming ties through baptismal sponsorship and *adelphopoia*, expressed mainly in monastic charters, see, e.g., Theodore Stoudites, *Διαθήκη*, PG 99, col. 1820; Tzimiskes, *Typikon, Actes du Prôtaton*, ed. D. Papachrysanthou, *Archives de l’Athos*, VII (Paris, 1975), 212, 92–94; Athanasios the Athonite, *Typikon: Die Haupturkunden für die Geschichte der Athoskloster*, ed. Ph. Meyer (Leipzig, 1894; repr. Amsterdam, 1965), 113, 21–22. Adoption of a son/daughter is not expressly forbidden. See below, p. 117 for an example of the latter and p. 115 and note 68 for a possible explanation for the lack of prohibition.

<sup>5</sup> J. Pitt-Rivers, “Pseudo-Kinship,” *International Encyclopedia of the Social Sciences*, VIII (New York, 1968), 408–13; A. Barnard and A. Good, *Research Practices in the Study of Kinship* (London, 1984), 150–54.

<sup>6</sup> E.g., Demetrios Chomatenos: *Analecta sacra et classica spicilegio Solesmensi*, ed. J. B. Pitra, VI (Paris-Rome, 1891; repr. Farnborough, 1967), cols. 719–28, here at 725–26; John Pediasimos: A Schminck, “Der Traktat Περὶ γάμου des Johannes Pediasimos,” *Fontes Minores* 1 (1976), 126–74, text at 140.3–23, 155.335–156.381. On Pediasimos’ sources, see Schminck, 133–34. For a discussion of all three ties together, see E. Patlagean, “Christianisation et parentés rituelles: Le domaine de Byzance,”

formed by the prayers of a ritual and could therefore also involve marriage prohibitions.

But *adelphopoia*, the least well-documented of the ties, differed from the other two in its official reception and development. It is mentioned in the treatises, only to be dismissed in the same sentence, as “not admissible by law.” Yet, while the church officially rejected it, the very statement of rejection carried with it an admission (explicit and implicit) that the tie was sought after.<sup>7</sup> Besides, a ritual did exist for its celebration and formation.<sup>8</sup> Indeed even members of the church hierarchy became brothers “by arrangement.”<sup>9</sup> As a form of ritualized friendship, *adelphopoia* functioned in a way similar to the tie between a godparent and the natural parent of a child (co-parents, *synteknoi*).<sup>10</sup> Both kinds of ritual kinship could carry with them the obligation of mutual help and support and were based on friendship or the hope of it. Both provided a means of access to and intimacy with persons of the other sex,<sup>11</sup> and *adelphopoia* was also a tie that could ritually unite people with homosexual relations.<sup>12</sup>

Although *adelphopoia* and baptismal sponsorship were closely related in their social aspect, adoption and sponsorship appear to have shared similar developments as institutions. Their similarities are nowhere more apparent than in the lan-

*Annales ESC* 33 (1978), 625–36, repr. in *idem, Structure sociale, famille, Chrétien à Byzance (IVe–XIe siècle)* (London, 1981), XII.

<sup>7</sup> Pediasimos, ed. Schminck, 156.375–81; 173–74. On *adelphopoia* see G. Michailides-Nouaros, *Περὶ τῆς ἀδελφοποίας ἐν τῇ ἀρχαὶ Ἑλλάδι καὶ ἐν τῇ Βυζαντίῳ, Τόμος Κωνσταντίνου Ἀρμενοπούλου* (Thessalonike, 1952), 251–313.

<sup>8</sup> J. Goar, *Euchologion sive rituale graecorum* (Venice, 1730; repr. Graz, 1960), 706–8 (hereafter Goar, *Euchologion*).

<sup>9</sup> Patriarch Thomas and Theodore of Sykeon: *Vie de Théodore de Sykéon*, ed. A.-J. Festugière, I (Brussels, 1970), 106.1–6.

<sup>10</sup> On *synteknia* or co-parenthood, see R. Macrides, “The Byzantine Godfather,” *BMGS* 11 (1987), 139–62 (hereafter Macrides, “Godfather”).

<sup>11</sup> A 15th-century Cretan poem satirizes this situation: K. Krumbacher, “Ein vulgärgriechischer Weiberspiegel,” *SBMünch* (1905), lines 1199–1204; Macrides, “Godfather,” 154–55. See, too, the statements of Patriarch Athanasios I, in two unpublished *Didaskaliai*, where he describes *adelphopoia* as “a deed/source” of “licentiousness” and “perversity”: V. Laurent, *Les registres des actes du patriarchat de Constantinople*, I, 4 (Paris, 1971), no. 1762, p. 541; no. 1777, p. 554.

<sup>12</sup> Although I think John Boswell goes too far in calling the ritual for “spiritual brotherhood” “basically a gay marriage ceremony for the Greek church,” the church’s strong terms of denunciation of *adelphopoia* (see above, note 11) could be read as an indication that both heterosexual and homosexual couples were, in his view, abusing the tie. See J. Boswell, “Rediscovering Gay History: Archetypes of Gay Love in Christian History,” *Michael Harding Memorial Address* (London, 1982; repr. 1985), 5–21.

guage used to describe them. Adoption did have its own distinctive terminology—*νιοθετῶ*, *εἰσποιῶ*, *τεκνοποιῶ* and the nouns derived from these verbs—but it also shared terms with baptismal sponsorship (*πνευματικός*, *–ή*, *νιός*, *θυγατήρ*) to a degree which often makes it difficult to distinguish an adopted child from a godchild, unless a qualifying phrase is added. The reason for this common terminology is to be found in the parallel development of the two institutions which had its origin in the ninth century,<sup>13</sup> in the reign of Leo VI, an emperor known for his legislation on marriage and the family. Among the laws important for the formation of the family was novel 89, making an ecclesiastical blessing essential for marriage, novel 91, forbidding concubinage, and three laws on adoption.

In the first of these, novel 24, Leo stated that whereas in former times, when adoption was simply a matter for the law, a father could marry an adopted child to his blood child, this could no longer take place now that adoption was created by the prayers of the church.<sup>14</sup> Whether or not Leo was the first to introduce the ecclesiastical blessing to adoption,<sup>15</sup> he was concerned to ensure that marriage prohibitions ensued from an adoption which was now always to be blessed by the church.

The surviving rituals for adoption show how adoption and baptismal sponsorship came to share a common terminology. Adoption, which was a relative latecomer to the liturgical repertoire, took on the language of baptism. From the patristic period baptism had been likened to an adoption because Christ’s baptism had granted adoption in the Holy Spirit to all believers. The prayers for adoption allude to the “rebirth” that baptism is when they refer to the son or daughter “about to be reborn,” and they recall Christ’s words calling us children of God by adoption and by the grace of the Holy Spirit. At the end of the blessing the adopted son prostrates himself at his adoptive father’s feet, while the latter proclaims, “Thou art my son, this

<sup>13</sup> See the discussion in Macrides, “Godfather,” 141.

<sup>14</sup> P. Noailles and A. Dain, *Les Nouvelles de Léon le Sage: Texte et traduction* (Paris, 1944), novel 24, 92–95 (hereafter Noailles-Dain).

<sup>15</sup> In novel 24, as in novel 89 making an ecclesiastical blessing essential for marriage, Leo seems to imply that a ritual already existed but was being ignored. A scholion to the *Epanagoge* 17.21 shows that a blessing did already exist in Leo’s time: Zépos, *Jus*, II, 281. See also on this question A. Christophilopoulos, *Σχέσεις γονέων καὶ τέκνων κατὰ τὸ Βυζαντίνον δικαίον* (Athens, 1946), 80–81 (hereafter Christophilopoulos, *Σχέσεις γονέων καὶ τέκνων*).

day I have begotten thee" (Ps. 2:7). They embrace, having become spiritual (*πνευματικός*) father and son, superior to blood parent and child.<sup>16</sup>

While Leo's novel 24 helped to create common links between adoption and godparenthood, his two other novels on adoption extended the benefits of the institution to a wider group of people, to include now also for the first time eunuchs and women.<sup>17</sup> Formerly, only women who had lost all their children had been allowed to adopt, in exceptional cases, as a consolation. Now Leo gave the right to all women, both virgins and other women who could not have children for whatever reason.<sup>18</sup> This law (novel 27) appears to remove one of the legal inequalities between men and women. However, it should be seen not so much as a landmark in the history of Byzantine women's rights as an indication and confirmation that adoption no longer established power or *patria potestas* over the adopted child,<sup>19</sup> even though such a subjugation was symbolically enacted in some rituals for adoption, with the adoptive father treading on the neck of the son at his feet.<sup>20</sup>

Certainly in his novels Leo speaks of adoption not in terms of the establishment of power over another but in the personal terms of parent-child relations. In so doing he provides us with a series of considerations on the benefits of children. The joy of children is seen as a consolation in life, especially in old age, when it helps to make the burden lighter. But more specifically, children are described as providing care (*θεραπεία*) and the service of nursing their parents in old age (*γηροτροφία*). Whether parents are rich or poor, children are said to be a benefit for, in the former case, they can help to administer the family's estate, in the latter to share concerns and cares.<sup>21</sup>

Another surprisingly expressive source for adoption are a number of notarial contract formulae from the thirteenth to the fifteenth centuries.<sup>22</sup> In a couple of cases what we have is the in-

complete job of a scribe who was attempting to create a formula from the full-blown document before him. It is thanks to his less than total application to his task that some interesting details are preserved.<sup>23</sup>

The formulae fall into two groups, those for contracts between the natural parent and the adoptive parent,<sup>24</sup> and those between adoptive parent and child, in this case, twenty-five years of age or older.<sup>25</sup> The first group relates the reasons why two mothers gave up their children for adoption and describes how they went about it. A widowed woman who was left with two children and no fortune, either from her husband's estate or her own dowry, sought, in her condition of abject poverty, someone of good disposition who would care for one of her children, providing food and clothing and looking after his well-being and advancement. At first she found no one, but then she learned of the person addressed in the contract; when she approached him, he gladly agreed.<sup>26</sup> In the other formula, it is the mother, again an impoverished widow, who is approached by a person interested in adopting her child.<sup>27</sup> The second group of formulae shows the adoptive parents' side in the adoption. These formulae are for cases of childless couples who wished to acquire an heir and continuator of their line<sup>28</sup> and also for couples with children of their own who nevertheless wanted to take in an infant in need.<sup>29</sup>

The formulae show that the initial arrangements for adoption were informal—a direct approach by the interested party. It seems likely that the process described in these contracts was the most common way of finding a home and providing for the future of orphans and destitute children. Welfare institutions would seem to have played a minor role, except perhaps in cases of abandoned children or those orphaned in war. Orphanages were rare outside Constantinople, and

<sup>16</sup> Goar, *Euchologion*, 561–63.

<sup>17</sup> Novel 26: Noailles-Dain, 101–5; novel 27: 104–11.

<sup>18</sup> Ibid., 106.13–17; 109.4–111.3.

<sup>19</sup> The decisive change was introduced by Justinian. See K. E. Zachariä von Lingenthal, *Geschichte des griechisch-römischen Rechts* (repr. Aalen, 1955), 116–18; M. Kaser, *Das römische Privatrecht*, Handbuch der Altertumswissenschaft, II (Munich, 1959), 146–49; J. Beaucamp, "La situation juridique de la femme à Byzance," *CahCM* 20 (1977), 145–76, here at 165, 173.

<sup>20</sup> Goar, *Euchologion*, 562.

<sup>21</sup> Novel 26: Noailles-Dain, 101.15–103.2; 24–25; novel 27: 107.17–109.3.

<sup>22</sup> They come from three collections (hereafter cited by editor's name and document number); K. N. Sathas, *Μεσαιωνικὴ*

Βιβλιοθήκη

VI (Paris-Venice, 1877; repr. Athens, 1972), no. 18, pp. 628–30; no. 19, pp. 630–31; G. Ferrari, *Formularii notarii inediti dell'età bizantina* (Rome, 1912), no. 40, p. 65; D. Simon and Sp. Troianos, "Dreizehn Geschäftsformulare," *Fontes Minores* 2 (1977), no. vii, pp. 276–77, no. viii, pp. 277–78, commentary, pp. 278–83.

<sup>23</sup> See Simon and Troianos, p. 263.

<sup>24</sup> Ibid., nos. vii, viii.

<sup>25</sup> Sathas, nos. 18–19; Ferrari, no. 40.

<sup>26</sup> Simon and Troianos, no. viii.

<sup>27</sup> Ibid., no. vii.

<sup>28</sup> Sathas, no. 18.

<sup>29</sup> Sathas, no. 19. Ferrari, no. 40 is a formula which covers several possible situations.

little is known even about those in the capital, with the exception of St. Paul's.<sup>30</sup> Monasteries also took in a few children and educated them.<sup>31</sup> However, these "institutional" provisions probably accounted for only a small number of orphans.

The formulae are called adoption agreements or contracts,<sup>32</sup> but it is clear from their content that these did not in themselves constitute the adoption: this had already taken place in church before the written agreements were drawn up. One formula for a contract between an adoptive parent and child contains an explicit reference to the words of the ritual: the adoptive parent states, "I took you from the hands of the priest after the holy blessing, uttering the (words), 'Thou art my son, this day I have begotten thee'."<sup>33</sup> The contracts show that the ecclesiastical ceremony created the ties of adoption.<sup>34</sup> The arrangements set out in the contracts are subsequent and additional, securing by contract the obligations and rights on both sides. The mothers for their part promise, under penalty of fine, not to try to overturn or change the agreement in any way—and this includes attempting to take the child away in the future.<sup>35</sup> The adopted child, on the other hand, is obliged, in one contract, to serve his adoptive parents with all zeal, as if they were his own parents, and to treat them with honor.<sup>36</sup>

But it is the undertakings of the adoptive parents that are most revealing with respect to the significance of adoption in Byzantium. In some con-

<sup>30</sup>See the comments by A. Moffatt, "The Byzantine Child," *Social Research* 53.4 (1986), 705–23 (here at 721–22). On orphanages, see D. J. Constantelos, *Byzantine Philanthropy and Social Welfare* (New Brunswick, N.J., 1968), 241–56. There is a rare reference to orphans in the Book of Ceremonies: six orphans and the orphanotrophos accompany six newly baptized children(?) (*φωτίσματα*) in a ceremony before the emperor on the Wednesday after Easter Sunday, when they also receive purses of money from the emperor. See *Constantin Porphyrogénète, Le Livre des Cérémonies*, ed. A. Vogt, I (Paris, 1967), 83 (chap. 21 [12]), and N. Oikonomidès, *Les listes de préséance byzantines des IXe et Xe siècles* (Paris, 1972), 206 notes 231–32; 207.6–16; 319.

<sup>31</sup>Typikon for Kecharitomene: P. Gautier, "Le typikon de la Théotokos Kécharitoméné," *REB* 43 (1985), 5–165 (here at 41.369–371): ἀνατρέψθαι γὰρ καὶ δύο παιδία ἐν τῇ μονῇ διορίζομεθα, καὶ ἀνάγεσθαι καὶ παιδεύεσθαι . . . καὶ ἀποκε-ροσθαι.

<sup>32</sup>Ferrari, no. 40: ἀπτον εἰς νιοθεσίαν, νιοθετικὸν ἔγγραφον; Sathas, no. 18: νιοθετικὴ συμφωνία καὶ ἀσφάλεια.

<sup>33</sup>Ferrari, no. 40, p. 65, 13–15.

<sup>34</sup>Simon and Troianos, no. viii, 277: παραδίδωμι σοι αὐτόν, δν καὶ ἐκ τῆς τιμίας εἰκόνος τοῦ ἀνθρώπου καὶ θ(εο)ῦ καὶ σ(ωτῆ)ρ(ο)ς ἡμῶν Ἰ(ησο)ῦ Χ(ριστο)ῦ παραλαβών; commentary, 280. Sathas, no. 18.

<sup>35</sup>Simon and Troianos, no. vii, 276.25–277.32; no. viii, 277.28–278.33.

<sup>36</sup>Ferrari, no. 40, p. 65, 17–18.

tracts they are said to agree to provide the necessities—a home, food, and clothing—and to grant a dowry (*προτίξ* is used for both boys and girls) when the child reaches the legal marriageable age.<sup>37</sup> Their commitments are described generally in terms of seeing to the child's advancement and interests. However, in other contracts the adopted child's benefits and his adoptive parents' commitment are on a totally different scale: they involve making the adopted child full heir of the adoptive parents' estate. This occurs both when the adoptive parents have no other children and when they have several blood children.<sup>38</sup> In one of these cases, although the child had been adopted as an infant, the decision to make him a full heir, along with the other children of the couple, was made years later.<sup>39</sup>

Thus, it follows from these contract-formulae that adoption did not automatically bring with it the right to inherit and to become a full member of the adoptive family. Furthermore, without the express statement of the right to inherit in a document, the adopted child had a claim only to intestate inheritance. This is the meaning of the phrase in one contract: "He is not considered as an adopted (*θετός*) son but as an instituted and not a substituted heir,"<sup>40</sup> or in another, "Since flesh and blood matters (*τὰ σαρκικά*) are not like spiritual matters (*τὰ πνευματικά*), from this day we make you an instituted heir of all our property and name you successor to our line (*γένος*) and legitimate (*γνήσιος*) son."<sup>41</sup> The contract is said to suffice in place of a will or any other document.

These variations in the sorts of provisions made for adopted children show that although the adopted child entered the home of the adoptive parent and was listed along with blood children in inventories for tax purposes,<sup>42</sup> there were degrees of "belonging" to the family, from both the child's and the adoptive parents' point of view. Furthermore, in the cases presented by the formulae, adoption did not change the legal status of the child or adult, as it did in classical Roman law.

<sup>37</sup>Simon and Troianos, nos. vii–viii.

<sup>38</sup>Sathas, no. 18–19; Ferrari, no. 40.

<sup>39</sup>Sathas, no. 19.

<sup>40</sup>Ferrari, no. 40.

<sup>41</sup>Sathas, nos. 18–19. On instituted heirs, see the *Basilika* 35.10.1-Digest 28.6.1: *Basilicorum Libri LX*, ed. H. J. Scheltema and N. van der Wal, ser. A, vol. V (Groningen, 1967).

<sup>42</sup>*Actes d'Espigmenou*, ed. J. Lefort, VI (Paris, 1973), no. 8, p. 70, 39; no. 14, p. 104.65; *Actes de Lavra*, ed. P. Lemerle, A. Guillou, N. Svoronos, and D. Papachryssanthou, II (Paris, 1977), no. 73, p. 20.58. A. E. Laiou-Thomadakis, *Peasant Society in the Late Byzantine Empire* (Princeton, 1977), 79.

There was no *patria potestas* established which, when dissolved, brought the adoption also to an end.<sup>43</sup> In the adoptions presented by the formulae, ending the ties had more to do with personal relations: thus one contract makes provision for the possibility that the child might wish to leave his adoptive parents. In such a case he would lose the inheritance stipulated for him in the contract. Then again, the adoptive parents might want to cast him out; in this case he would receive one-twelfth of their inheritance when he had left their home.<sup>44</sup>

Although the formulae are adoption contracts, they include under the term "adoption" also relationships and obligations that resemble "fostering."<sup>45</sup> Indeed ἀνατρέφω (to bring up, nurture) is used in some formulae to describe the process which all adoptions of infants and young children by necessity include.<sup>46</sup> But no distinct term is provided to distinguish those relationships where the emphasis is on upbringing and the welfare of the child until marriage, from those where the child became a full heir.<sup>47</sup> Therefore, when one encounters children described as ἀνατροφαί and ἀνάθρεπτοι<sup>48</sup> in other sources, one cannot know whether they are identical with the adopted (foster) children<sup>49</sup> of the formulae or represent a different relationship, one with no formal legal basis, ecclesiastical or civil.

<sup>43</sup> See below and note 52, and Zachariä von Lingenthal, *Geschichte*, 117.

<sup>44</sup> Ferrari, no. 40.

<sup>45</sup> This is especially the case with nos. VII–VIII in Simon and Troianos.

<sup>46</sup> Sathas, no. 18; no. 19: ἐφθάσαμεν . . . ἀναθρέψαι σε φιλοτρόγως ἐν ταῖς ἡμετέραις ἀγκάλαις.

<sup>47</sup> The process is called an "adoption" both in those formulae where the children are committed to the care of the adoptive parent until marriage (Simon and Troianos, no. VII, 276.8–11; no. VIII, 277.21–27) and in the formulae that make arrangements for the institution of the adopted child as full heir (Sathas, nos. 18–19). The term θρεπτός (foster child) and variants are missing. For late Roman epigraphic evidence which shows that the word θρεπτός could be used to refer to both of the situations and relationships found in the formulae, see A. Cameron, "θρεπτός and Related Terms in the Inscriptions of Asia Minor," *Anatolian Studies Presented to William Hepburn Buckler*, ed. W. M. Calder and J. Keil (Manchester, 1939), 27–62.

<sup>48</sup> The *sebastokrator* Isaac's *anathreptos*, Konstitzes, is the best known. Described in Isaac's typikon for the Kosmosoteira (1152) as a nephew of Isaac's *vestiarites* whom he had raised from infancy, Konstitzes was given property, money, and precious cloth by Isaac which were to be kept in safekeeping until Konstitzes married. See the discussion by P. Magdalino, "The Byzantine Aristocratic *Oikos*," *The Byzantine Aristocracy IX to XIII Centuries*, ed. M. Angold, BAR 221 (Oxford, 1984), 92–111 (here at 103–4). For *anatrophai*, see *ibid.*, 101.

<sup>49</sup> In two documents of 1395 and 1400 the terms *νιοθετή* and *ἀναθρεπτή* are used to describe the same person: E. Garland, *Neue Quellen zur Geschichte des lateinischen Erzbistums* (Leipzig,

It could, however, be asked to what extent the evidence from these formulae which, after all, come from collections made in the thirteenth to fifteenth centuries, can be used to generalize about the practice of adoption throughout the Byzantine period. In reply it can be argued that although the formulae were in use in the period in which the collections were made, they could have had their origins in a much earlier period.<sup>50</sup> This seems to be confirmed by sixth-century papyri which show natural parents and adoptive parents making agreements which are similar to our formulae, that is, the earlier documents also arrange for the adopted child's upbringing and dowry, or sometimes inheritance, without any reference to the child's subjection to another person's power.<sup>51</sup> Throughout the Byzantine period from Justinian on, even if the old forms of adoption were repeatedly mentioned in private legal collections, adoption did not bring with it rights of power over a child or adult. This seems to be confirmed by a passage in the Epanagoge aucta of the tenth/eleventh century, which states that adoption had changed completely, in that adopted persons were not "liable to the servitude of the old subjection."<sup>52</sup>

However, there is some reason to doubt that one element in the formulae—that is, their assumption that the ecclesiastical blessing was constitutive of adoption—was based on a much older, widespread practice. To be sure, Leo VI's novel 24 had sought to secure this practice,<sup>53</sup> and rituals do exist from the ninth century. But in the twelfth century Balsamon could say in his commentary on the canons that Leo's novel was the only place one might find the statement that adoption occurs also by holy prayer: "Remember this for it is not to be found anywhere else and is therefore unknown to many people."<sup>54</sup> He thereby implied that people still carried out adoption by the civil procedure, in court

1903), no. 5 (1395) p. 181.8–9: Καλλινήκης μοναχής, τοῦ Κολοκυνθοῦς ἀναθρεπτῆς, and no. 10 (1400) p. 194.14–15: ἐγώ Καλλινήκη μοναχή, ἡ τοῦ Κολοκυνθοῦς νιοθετή.

<sup>50</sup> See the comments by P. Pieler, "Die Spätzeit und das Nachleben der byzantinischen Rechtsliteratur," in H. Hunger, *Die hochsprachliche profane Literatur der Byzantiner*, II (Munich, 1978), 475; also N. Oikonomidès, "Contribution à l'étude de la pronoia au XIIe siècle," *REB* 22 (1964), 158–59.

<sup>51</sup> P. Meyer, *Juristische Papyri* (Berlin-Chicago, 1920), 21–24; Christophilopoulos, *Σχέσεις γονέων καὶ τέκνων*, 76–78.

<sup>52</sup> Epanagoge aucta XV.9: Zepos, *Jus*, VI, 99; Christophilopoulos, *op. cit.*, 75–79.

<sup>53</sup> See above, pp. 110–11.

<sup>54</sup> Commentary on canon 53 of Trullo: G. A. Rhalles and M. Potles, *Σύνταγμα τῶν θείων καὶ ιερῶν κανόνων*, II (Athens, 1852; repr. 1966), 428–31, here at 430 (hereafter Rhalles-Potles).

or before local *archontes*.<sup>55</sup> If Balsamon is to be believed, then, some explanation must be found for the contract's presentation of the ecclesiastical blessing as *the* way to adopt. One possibility is that the ritual became better known and more widespread after the twelfth century, especially in areas of the empire where the church had to assume some of the judicial functions of the state. The fact that the formulae survive not only in late collections but also from areas of the empire that were under Italian domination provides some corroboration for this hypothesis.<sup>56</sup> In such times and places the church was the one authority left. The reference in one formula to an adoptive father who made promises at the synod about his future adopted child would seem to support this suggestion, for the local synod would not normally have played a role in adoption.<sup>57</sup> A further indication of the church's dominance in legal matters is given in another contract where a *megas oikonomos* of the church is said to have given advice to one mother about the need to have a contract drawn up.<sup>58</sup>

The formulae give rise to a further consideration: the possibility of continuing relations or ties between blood kin and children given in adoption, and adoptive kin. A child lived with his adoptive parents when he was given in adoption, but the door was not thus necessarily closed to his identity and his association with blood kin. The fiction of adoption was not complete, except perhaps in cases where the children were completely orphaned. In other words, the adoptive parents did not of necessity completely replace the natural parents nor was knowledge of the natural parents suppressed, even when the child was adopted at a very young age. For, as some of the formulae show, natural and adoptive parents knew each other and perhaps lived in proximity to each other. They may have kept up the contact and considered each other kin. An indication of this comes from a thirteenth-century version of the life of Athanasios of Athos. The prospective adoptive father, a *doux* from Constantinople on business in Trebizon, approached the orphaned boy's uncle with the offer to adopt the boy. This act, he reminded the uncle, would make them relatives and could benefit the uncle.<sup>59</sup>

<sup>55</sup> Novel 24: Noailles-Dain, 95.6; novel 27; 111.4–7.

<sup>56</sup> Simon and Troianos, 264–65; Sathas, οἱ·οι; Ferrari, 1–2.

<sup>57</sup> Simon and Troianos, no. vii, 276.15.

<sup>58</sup> Simon and Troianos, no. viii, 277.4–5 and commentary, 281. The authors conclude (pp. 264–65) that a monk could have written the formulae.

<sup>59</sup> O. Lampsides, Περιγραφή νιοθεσίας ἐν ἀγιολογικῷ κειμένῳ, Ἀρχεῖον Ἐκκλησιαστικοῦ καὶ Κανονικοῦ Δικαίου 27

Another form of evidence which could point to continuing relations between the two families is presented by the marriage prohibitions that applied to both sides. Indeed, these prohibitions can be said to be a working definition of what constituted "family" in Byzantium. If such prohibitions were to have had any significance, one must assume that people knew who their blood and ritual kin were. In Justinian's time the prohibitions for adoption involved marriage between the adoptive father and his adopted child.<sup>60</sup> Leo VI's novel confirmed a prohibition on marriage between the blood and adopted children of a parent.<sup>61</sup> But from the twelfth century, starting with Balsamon, marriage prohibitions for adoptive relations were equated with those for blood kin—that is, to the sixth or seventh degree—with the argument that spiritual relationships are superior to and take precedence over blood relations.<sup>62</sup> An analogy was made with the prohibitions for that other spiritual tie, baptismal sponsorship.

These extensive marriage prohibitions could lead one to expect that relations between adoptive kin and blood kin were taken up and maintained. Certainly this was true of those families united by baptismal ties: they exchanged gifts, ate and drank together, and frequented each other's homes.<sup>63</sup> This sort of contact formed the basis of a familiarity that could lead to an interest in marriage. Indeed, the patriarchal register of the late period and the record of decisions of Demetrios Chomatenos, archbishop of Ochrid in the thirteenth century, contain cases of parties concerned with contracting marriages with their baptismal kin.<sup>64</sup> But for adoptive ties of kinship, on the contrary, there is no request or query addressed to an ecclesiastical authority, nor is there any explicit or implicit reference to relationships between the two families, apart from that in a version of the life of Athanasios.

The reason for this lies, I would suggest, in the essential differences between adoption and baptismal sponsorship—differences that have been obscured by the common terminology and shared

(1972), 43–50, here at 49: καὶ οὐ ὡς ἐμδς συγγενῆς τὰ κρείττονα ἐπικερδέσεις. There is no mention of an adoption in either of the Lives edited by J. Noret, *Vitae Duae Antiquae Sancti Athanasii Athonitae* (Brussels, 1982).

<sup>60</sup> Zachariä von Lingenthal, *Geschichte*, 69; J. Zhisman, *Das Eherecht der orientalischen Kirche* (Vienna, 1864), 260–62.

<sup>61</sup> Novel 24: Noailles-Dain, 95.14–22.

<sup>62</sup> Schminck, "Der Traktat Περὶ γάμων," 172–73 and note 67 below.

<sup>63</sup> Macrides, "Godfather," 154–55.

<sup>64</sup> Ibid., 159–60 and note 97.

marriage prohibitions. In practice, however, neither were the marriage prohibitions as extensive nor was the spiritual aspect so dominant for adoption as for baptismal sponsorship. Balsamon is the first, in the late twelfth century, to press the analogy between the two, on the basis of the ritual that created the ties in both cases. Yet, as he admitted, many people did not know about this and, further, "men experienced in civil and canon law" argued that adoption was not the same as baptismal sponsorship, since "it is not only through prayers and the church's sponsorship that legal adoption takes place."<sup>65</sup> Balsamon ended his commentary on this note but returned to it later, adding a document of 1092 he had found in the *chartophylakeion* which supported his argument that adoption and baptismal sponsorship share the same prohibitions.<sup>66</sup> Thus it was Balsamon who was mainly responsible for the extension of the marriage prohibitions which before the twelfth century, and even after, were not likely to have been applied or observed very strictly.<sup>67</sup>

It is no wonder, then, that the evidence which survives for adoption—mainly from the thirteenth century on, and ecclesiastical in context—makes the spiritual aspect of the ties appear dominant and gives the impression that adoption and baptismal sponsorship are structurally similar. In practice, however, adoptive ties of kinship were essentially non-social.<sup>68</sup> Although the families may have known each other, they did not pursue contact. Adoption does not appear to have been used to create links outside the family, to build up support and solicit help, as were baptismal ties and also those of *adelphopoia*.

Another aspect of adoption which distinguishes it from baptismal sponsorship can be detected in the word *ψυχικός* (παῖς) to refer to an adopted child in one of the formulae.<sup>69</sup> While both the adopted child and the godchild are called *πνευματικός* in many sources, *ψυχικός* seems to have been used exclusively of the adopted child and cannot be regarded as merely a synonym for

<sup>65</sup> Rhalles-Potles, II, 430.

<sup>66</sup> Rhalles-Potles, II, 430–31.

<sup>67</sup> Schminck, "Drei Patriarchalschreiben aus der ersten Hälfte des 13. Jahrhunderts," *Fontes Minores* 5 (1982), 204 notes 64–65. Schminck has pointed to Balsamon's role in fixing the prohibitions that later writers followed.

<sup>68</sup> This could be one of the reasons why undertaking ties of adoption was not expressly forbidden to monks, as were baptismal sponsorship and *adelphopoia*. The typika especially rule out the social aspects of the latter ties—visiting, eating, and drinking together with "spiritual kin." See note 4 above for references.

<sup>69</sup> Simon and Troianos, no. viii, 277.12.

*pneumatikos*.<sup>70</sup> Rather, *psychikos* would seem to be related to the so-called *psychika*, acts made on behalf of one's spiritual salvation, such as giving alms to the poor and donations to churches.<sup>71</sup>

But not *all* adoptions could be looked upon as charitable acts. The formula in which the word *psychikos* appears is one concerned with providing an upbringing and a dowry for the child but not with making him a full heir and continuator of the family line. This is significant, for only in the former case could the adoptive parent's act be regarded as a charitable deed: the needs of a poor orphan child outweighed those of the parent. The charitable adoption was one where the child's interests rather than the adoptive parent's need for an heir were the main object.<sup>72</sup> Such a case is presented by the nun Kallone Pouzoulou who took in a girl "for the sake of the commemoration of her soul," kept her with her a short time, then arranged her marriage and gave her a dowry.<sup>73</sup> Since Pouzoulou did not raise the girl, it emerges that the provision of a dowry—a basic legal responsibility of a parent<sup>74</sup>—was the need she filled

<sup>70</sup> Cf. Simon and Troianos, 282.

<sup>71</sup> P. I. Zepos, "Ψυχάριον," "ψυχικά," "ψυχοπαΐδι," *Δελτ. Χοιρ.* Αρχ. Ετ. 10 (1980–81), 17–27.

<sup>72</sup> The "foster" child of the formulae (Simon and Troianos, nos. vii–viii) bears a strong resemblance to the *ψυχοπαΐδι* known from post-Byzantine sources and is to be identified with the latter. (For a description of the ties of a *psychopaidi* and adoptive parent, see Christophilopoulos, *Σχέσεις γονέων καὶ τέκνων*, 86–88.) The main concern of both sets of relations is to provide an upbringing and dowry or equivalent for the child, and this process is held to be an act beneficial to the adoptive parent's soul. Christophilopoulos and Zepos ("Ψυχάριον," as above, note 71, pp. 22–23) have hesitated to make an identification of the *psychopaidi* with the adopted child because they saw Byzantine adoption as mainly a legal tie concerned with establishing an heir. They wrote, however, without knowledge of the formulae published by Simon and Troianos. But Simon and Troianos (p. 282) also rule out an identification, mainly because the work-obligations of the *psychopaidi* (Zepos, "Ψυχάριον," 23 note 13 and Christophilopoulos, op.cit., 87–89) are lacking in their adoption formulae. But this was not the most important or dominant aspect of the *psychopaidi* ties (as Christophilopoulos and Zepos admit) and, in any case, working for and serving one's parents, natural or adoptive, was standard: see Ferrari, no. 40, a formula for making an adopted child a full heir, where the child's obligation to serve his parents is mentioned: εἴπερ ὡς ἰδίους γονεῖς ἡμᾶς ἐν προθυμίᾳ πάσῃ δουλεύσας ἀναπαύσως ἡμᾶς καὶ ἀποθεστέος; and F. Trinchera, *Syllabus Graecorum Membranarum* (Naples, 1865), no. 142 (a. 1146), p. 189. Furthermore, the importance of the spiritual benefit of the adoption, implied in the word *psychikos* of the formula and in *psychopaidi*, cannot be overlooked.

<sup>73</sup> F. Miklosich and J. Müller, *Acta et diplomata graeca medii aevi sacra et profana* (Vienna, 1860–90), II, 502 (a. 1401) (hereafter MM). For Christophilopoulos, *Σχέσεις γονέων καὶ τέκνων*, 87, this case constitutes the oldest reference to the *psychopaidi* ties.

<sup>74</sup> On the legal responsibility: Basilika 28.4.11. A case in Chomatenos (ed. Pitra, no. 29, cols. 125–32) illustrates this clearly. A young man complained that his natural father was so enamored of his concubine and children by her that he ne-

and that this in itself could be considered a charitable act.<sup>75</sup>

That the provision of a dowry for boys and girls was a central concern for both natural and adoptive parents has been seen in the formulae for adoption. Its significance is further illustrated by the fact that most information about the practice of adoption, apart from notarial and legislative evidence, comes from civil and ecclesiastical court cases on dowry disputes. This has the further implication that we learn about only one part of the adoption process—the part that went wrong. The reasons for the adoption and the adopted child's circumstances at the time are rarely mentioned.

One exceptionally informative adoption case is that of Michael Psellos, *vestarches, hypatos ton philosophon*, and counselor to emperors. This author's unabashed intrusion of his person in all he writes—which makes him our best example for the new freedom of the author in eleventh-century literature<sup>76</sup>—makes him a rewarding source also for adoption. When his only child, a daughter, died at the age of eight,<sup>77</sup> he adopted a girl whom, we are told, he cherished as a daughter of his own blood because he had no other children. In a desire to give her a promising future, he betrothed her at a young age to Elpidios, the son of a *protospatharios*, providing a dowry of 50 pounds of gold—20 of which he used to buy the dignity of *protospatharios* for him. He further availed himself of his connections at court to obtain the title of *patrikios* for him. But Psellos was forced to break off the engagement when Elpidios proved to be lazy, disobedient, and lacking in concern for his fiancée.<sup>78</sup> The adopted daughter eventually married a *vestarches* and produced a son whom Psellos re-

glected him and practically denied his paternity, refusing to give him food, shelter, and his dowry (cols. 127–28, 130–31).

<sup>75</sup>In western Europe, contributing to dowries of young girls, thus making it possible for them to marry, “emerges as a common act of Christian charity from the thirteenth century”: D. Herlihy, *Medieval Households* (Cambridge, Mass., 1985), 99–100. In Byzantium this was equally true of dowries for boys.

<sup>76</sup>Kazhdan (with G. Constable), *People and Power in Byzantium*, 101; R. Beaton, “De Vulgari Eloquenta” in Twelfth-Century Byzantium, in *Byzantium and the West c. 850–c. 1200*, ed. J. D. Howard-Johnston (Amsterdam, 1988), 261–68.

<sup>77</sup>On Psellos' daughter Styliane, see his *epitaphios logos* in K. N. Sathas, Μεσαιωνική Βιβλιοθήκη, V, 62–87; and A. Leroy-Molingen, “Styliane,” *Byzantion* 39 (1969), 155–63.

<sup>78</sup>This information derives from Psellos' account of the court case against Elpidios: Sathas, V, 203–12. For a summary of the account with analysis of the sums involved in purchasing offices for Elpidios, see P. Lemerle, “‘Roga’ et rente d’état aux Xe–XIe siècles,” *REB* 25 (1967), 77–100 (here at 84–88), repr. in idem, *Le monde de Byzance: Histoire et institutions* (London, 1978), XVI.

garded as an extension of himself. In a letter to the caesar John Doukas, the powerful uncle of Emperor Michael VII, he refers to his grandson as a second Psellos and asks how it will be possible to resist two Pselloi.<sup>79</sup> He seems to consider his grandson a help to his position at court, as if there were power in numbers.

We can observe in the Psellos case the adoption of a girl to replace the daughter he had lost, and the concern to provide an heir and ensure the survival of the family. Other cases, mainly drawn from the patriarchal register, show the adoptive parents likewise anxious to arrange a marriage and dowry. One adoptive father, Andronikos Melanchrenos, was so eager to provide a good marriage for his adopted daughter that he betrothed her at the uncanonical age of five.<sup>80</sup> Another adoptive parent, Eudokia Nestongonissa, described in the synodal act of 1315 as the aunt of the emperor, brought a case against her adopted daughter whom she had raised from the age of seven and loved “almost as a legitimate child.” This phrase refers not to the quality of her emotional tie but to the legal position of the adopted daughter. Nestongonissa had not made her a full heir but had stipulated in a contract that she was to receive certain property as her dowry. However, the girl showed herself to be ungrateful to her adoptive parent for her “good deeds” (εὐεργεσίαι) on her behalf, for she married without her approval.<sup>81</sup>

From another fourteenth-century synodal act, an altogether different situation is evident: adoption among blood relations. Magistrina brought a case in 1360 to claim property she insisted her first cousin and adoptive mother, Bryenissa, had promised her in her dowry contract when she had given her in marriage to Michael Magistros. It can be ascertained from the account of the case that Bryenissa had adopted Magistrina after her mother's death, although her father was still alive. Magistrina's dowry contract included property from her parents as well as houses she inherited from her mother, in addition to the property Bryenissa

<sup>79</sup>Sathas, V, 307–8; A. Leroy-Molingen, “La descendance adoptive de Psellos,” *Byzantion* 39 (1969) 284–317, esp. 301–3.

<sup>80</sup>H. Hunger and O. Kresten, *Das Register des Patriarchats von Konstantinopel* (Vienna, 1981), I, 417–21, no. 70 (a. 1324): εἰσεποίησε καὶ νιοθέτησε τινα κόρην, καὶ δύο καὶ γνησίαν ἔσων θυγατέρα ἔστεργε ταύτην. On early betrothals see E. Patlagean, “L'entrée dans l'âge adulte à Byzance aux XIIIe–XIVe siècles,” *Historicité de l'enfance et de la jeunesse* (Athens, 1986), 263–70.

<sup>81</sup>Hunger-Kresten, *Das Register*, 187–91 (no. 14). It is not clear why the editors refer to Nestongonissa as a “Stiefmutter,” “step-mother” (p. 187). There is no indication of this relationship.

promised her after her death. Bryenissa, the adoptive mother, made the arrangements for Magistrina's marriage, even though the natural father, Kekalesmenos, was alive and active; he later brought a case to court for some property together with his son-in-law.<sup>82</sup> Bryenissa's reason for adopting her cousin can only be inferred—she had no children of her own and Magistrina's widowed father was not himself able to raise his daughter. From this case, however, it is possible to see how the adopted child remained a member of his or her natural family and could inherit from natural parents, yet also obtain benefits as an adopted child.

The above examples show men and women looking upon adoption as a means of providing an heir, carrying on the family line, and as a form of benefaction. But an adoption could also be undertaken on account of a friendship. In the eleventh century Poimen, the abbot and founder of a monastery on Mount Athos, adopted a monk, "remembering an old friendship." "Wanting to confirm the adoption," he sold him his monastery.<sup>83</sup> Among the reasons Emperor Nikephoros Botaneiates gave to Bryennios for wishing to adopt him was his admiration for and acquaintance with his father who had been his companion-in-arms.<sup>84</sup>

Adoption could also be used to acquire short-term benefits, and it is particularly at court that this aspect of the tie is prominent. At a critical time in his career, in the period before he came to the throne, Alexios Komnenos suggested to Empress Maria of Alania, through an intermediary, that she might like to adopt him. This was a temporary expedient, intended to give him the opportunity to visit the empress daily, in order to keep a close watch on opinion at court. Although he was related to the empress through his brother's marriage to her cousin, Alexios felt the adoption necessary to give him more freedom of speech at court and to allay suspicions concerning his frequent visits. The adoption is not mentioned again.<sup>85</sup> The case shows yet another aspect of the tie formed by adoption, and in this it was also like baptismal sponsorship and *adelphopoia*: men and women

<sup>82</sup> MM, I, 391–97; Darrouzès, *Les regestes*, I, 5: nos. 2424–27.

<sup>83</sup> J. Bompaire, *Actes de Xéropotamou* (Paris, 1964), no. 2 (a. 1010), pp. 40–44 (here at 43.5–9).

<sup>84</sup> P. Gautier, *Nicephori Bryennii Historiarum Libri Quattuor* (Brussels, 1975), 263.5–9.

<sup>85</sup> The adoption is mentioned by Bryennios (ed. Gautier, 259.16–17), but it is only Anna Comnena who gives the full context: B. Leib, *Anne Comnène, Alexiade*, I (Paris, 1967), 63.12–66.10; 70.17–71.4.

could use it to gain easier access to each other's company.<sup>86</sup>

However, unlike the latter ritual ties of kinship, adoption made the transmission of property possible and was therefore open to the danger of manipulation to a greater extent than the two other ties. It was, for example, one of the ways in which the *dynatoi* obtained land from *penites*, thus encroaching on village communities.<sup>87</sup>

A remarkable series of adoptions at court in the eleventh century illustrates how short-term the tie could be and how easily it was open to misuse when a great inheritance was at stake. In 1040, during Michael IV's illness, Zoe, his wife and legitimate heiress to the throne, was persuaded to adopt Michael Kalaphates, a nephew of the emperor, as son. The adoption was accompanied by a promotion to the rank of caesar, the second highest dignity. Michael was proclaimed emperor upon his uncle's death and ruled with his adoptive mother until his attempt to remove her brought about his deposition.<sup>88</sup> In 1057 Michael VI made an offer to Isaac Komnenos to adopt him as a son and grant him the title of caesar, placing him in the position of heir to the throne. This offer came at the time of Isaac's success against imperial troops in Asia Minor.<sup>89</sup> In 1078 during Nikephoros Bryennios' rebellion, Emperor Nikephoros Botaneiates proposed to adopt him and make him caesar and successor to the throne.<sup>90</sup> In all these cases the proposed adoption provided an heir for the childless ruling emperor but was suggested or undertaken only in a time of crisis, in an effort to forestall loss of power. The late Roman association of the title of caesar with succession to the throne is revived for the purpose in a way that is never repeated. The adoption or proposed adoption is intended to serve in place of a blood relationship, but it is a weak and temporary expedient.

This series of eleventh-century court adoptions had been preceded in the ninth century by Mi-

<sup>86</sup> Macrides, "Godfather," 154–55; see also Pitt-Rivers, "Pseudo-Kinship," 409, for a similar comment on a use of fictive kinship in Islam.

<sup>87</sup> Zepos, *Jus*, I, 203: novel 2 (a.934) of Romanos Lekapenos: τοῖς δὲ δυνατοῖς ὀπαγορεύομεν τοῦ λοιποῦ γειθεαῖς τρόπῳ ἢ δωρεᾶς ἀπλῆς . . . λαμβάνειν τι παρά τῶν εὐτελεστέρων. On this legislation see R. Morris, "The Powerful and the Poor in Tenth-Century Byzantium: Law and Reality," *Past and Present* 73 (1976), 3–27, esp. 11–12, 14.

<sup>88</sup> E. Renauld, *Michel Psellos, Chronographie* (Paris, 1967), I, 66–68.

<sup>89</sup> Psellos, ed. Renauld, II, 99–100.

<sup>90</sup> Bryennios, ed. Gautier, 263.5–14. Bryennios was Romanos Diogenes' "adoptive brother": Anna Comnena, ed. Leib, II, 196.

chael III's adoption of Basil. Although in this earlier case the adoption did not have the Roman associations of the later court adoptions—Basil was made *magistros*—it was similarly a bid for the imperial throne and ended in betrayal, with Michael III's untimely death.<sup>91</sup> As with other “spiritual” ties, adoption was only as strong and long-lasting as the intentions of the parties to it allowed.

From these scattered cases of adoption it can be observed that the institution was flexible, and varied with regard to expectations, obligations, and arrangements. Adoption could be used to fulfil a short-term goal or to achieve the most long-term aim—the survival of the family. Furthermore, it was only one of several possible ways open for substituting and sharing parental roles. It overlapped in this function with baptismal sponsorship and with forms of fosterage that may not have had a legal or ritual basis.<sup>92</sup> Adoptive parents, together with blood kin, friends, and godparents, acted as complements to or substitutes for natural parents, undertaking the whole, or part, of the range of parental obligations.<sup>93</sup> Although adoption had a legal pedigree as an institution which distinguished it from other, non-jural, forms of child-rearing and care, it was, in practice, in its fostering aspect, not different from those other forms. Godparents also

arranged marriages and provided dowries for their orphaned godchildren.<sup>94</sup> Friends looked after the interests of children seeking an education far from home, providing protection and the necessary “connections”; they might even call these children their “relations.”<sup>95</sup> The jural aspect did not by itself make adoptive ties of kinship more binding than others, no more than the spiritual aspect of adoption, baptismal sponsorship, and *adelphophopia* always acted as an effective deterrent against manipulation. Adoptive parents were part of a network of friends, blood kin, and spiritual kin without which the family could not survive.<sup>96</sup>

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<sup>91</sup> Godparents could provide the whole range of parental obligations. See the examples in Macrides, “Godfather,” 147–49. The case of Anna Aspietissa who raised a “spiritual daughter,” arranged her marriage, and gave her a dowry, shows how it is sometimes impossible to distinguish between adopted children and godchildren: MM, II, 404–5, a. 1400.

<sup>92</sup> Theodore, bishop of Nicea, took in Anastasios, the son of a deceased friend, whose mother was alive, and called him a relative (συγγενή). In a letter to the eparch of Constantinople, he tries to protect Anastasios from further bad treatment as a suspect in a murder case, pointing out that the boy is far from home and that his widowed mother places all her hopes in him: J. Darrouzès, *Epistoliers byzantins du Xe siècle* (Paris, 1960), 304–5.

<sup>93</sup> J. Goody, *The Development of the Family and Marriage in Europe* (Cambridge, 1983), presents a dramatically different picture of adoption in western Europe, where it was apparently “extremely rare” (p. 75) because it was condemned by the church in order to ensure that property came to it in the form of alms (pp. 83–102). In its place godparenthood flourished. For a skeptical appreciation of Goody’s thesis, see the review by J. Duby, *The Times Literary Supplement*, 14 Oct. 1983. In Byzantium it was Justinianic legislation (see note 19 above) and not the church which introduced the greatest changes to adoption.

<sup>91</sup> Theophanes Continuatus, Bonn ed., 207.8–10; *Ioannis Scylitzae Synopsis Historiarum*, ed. J. Thurn (Berlin-New York, 1973), 113–14.

<sup>92</sup> See above, p. 113, for *anatrophai* and *anathreptoi*.

<sup>93</sup> E. N. Goody, “Forms of Pro-Parenthood: The Sharing and Substitution of Parental Roles,” in *Kinship*, ed. J. Goody (London, 1971), 331–45.